REMARKS

Claims 22 and 28 have been cancelled. Claims 1, 16-18, and 21 have been amended to clarify the subject matter regarded as the invention. Claims 1-21, 23-27, and 29-32 are pending.

Claim Rejections – 35 U.S.C. §101

The Examiner has rejected Claims 1-20 under 35 U.S.C. §101 for being directed to non-statutory subject matter. The rejection is respectfully traversed. The Examiner states on Page 2 that "it appears that the claimed method steps could simply be performed by mental process alone and are not statutory." Independent Claims 1, 16, and 17 each recite "generating, **using a processor**, an optimal solution...." The generating element of each independent claim recites the use of a processor, and thus the claimed methods cannot "simply be performed by mental process alone" and do not "fall within the scope of human intelligence alone" as suggested by the Examiner. As the recitation of use of a processor ties each of the aforementioned independent claims to a machine, those independent claims thus recite statutory subject matter under 35 U.S.C. §101. Applicants respectfully request the Examiner withdraw the rejections under 35 U.S.C. §101 of Claims 1, 16, and 17 accordingly. As Claims 2-15 and 18-20 depend, either directly or indirectly, from one of the aforementioned independent claims, Applicants respectfully request the Examiner withdraw their respective rejections under 35 U.S.C. §101 as well.

Claim Rejections – 35 U.S.C. §103(a)

The Examiner has rejected Claims 1-21, 23-27, and 29-32 under 35 U.S.C. §103(a) as being unpatentable over Davenport (U.S. Pub No. 2003/0033236) in view of Bergstrom (U.S. Pub No. 2002/0156667). The rejections are respectfully traversed.

As amended, independent Claims 1, 16, 17, 21, and 27 each recite that a "tolerance that describes a minimum desired quantity and a maximum desired quantity" of a resource is received from a buyer. And, the claims recites that the "minimum and maximum are different." Support for the amendment may be found, without limitation, at [0035] of the Specification.

The Examiner has stated (e.g., on Page 4) that Davenport discloses (Fig 1, paragraph [0036] and paragraph [0037]) "where the buyer provides ... details of purchase request including maximum and minimum quantity." Applicants respectfully disagree. Figure 1 illustrates an environment that includes Sellers 1-N and a Private Marketplace that includes a table "of current auctions," a table "of current bids for each auction," and a table "of winning bids for closed auctions." Paragraph [0036] states that a buyer "wishes to purchase **different items** of varying **quantities**" (e.g., 10 pens and 20 pencils) and further states that the "total quantity of each item is referred to as a lot and is treated as an **indivisible unit** of some weight." Paragraph [0037] describes Figure 1. Applicants are unable to locate in Figure 1, [0036], or [0037] any mention of a buyer describing a "minimum desired quantity and a maximum desired quantity." Indeed, Davenport appears to teach away from the "tolerance" recited in each of the independent claims by requiring that "a bid on any item **has to be for the entire lot for that item**." [0036]. Independent Claims 1, 16, 17, 21, and 27 are therefore believed to be allowable.

Claims 2-15 depend, either directly or indirectly, from Claim 1 and are believed to be allowable for the same reasons described above. Claims 18-20 depend from Claim 17 and are therefore also believed to be allowable. Claims 23-26 depend from Claim 21 and are therefore also believed to be allowable. Claims 29-32 depend from Claim 27 and are therefore also believed to be allowable.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Previous Amendment

In reviewing the February 24, 2009 Amendment (Amendment D), Applicants noticed that a typographical error was made. The Remarks stated, in part:

> Regarding Claim 1, the Examiner has acknowledged that Claim 1 does not "teach the optimal solution having an optimal quantity and an optimal unit price."

Instead, the Remarks should have stated:

> Regarding Claim 1, the Examiner has acknowledged that Davenport does not "teach the optimal solution having an optimal quantity and an optimal unit price."

Applicants apologize for making the typographical error.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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